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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,042	09/28/2001	Marja Salmimaa	04770.00022	4272

22907 7590 04/06/2005

BANNER & WITCOFF  
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WASHINGTON, DC 20001

EXAMINER
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SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/966,042	SALMIMAA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven P Sax	2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24, 27-29 and 33-44 is/are allowed.
- 6) ☒ Claim(s) 25, 26 and 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This application has been examined.
2. The RCE and amendment filed 12/10/04 have been entered.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-26 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen (6362841) and Pivowar et al (6466236) and Boehne et al (6434500).
5. Regarding claim 25, Nykanen shows the mobile terminal displaying graphical icons (Figure 2), user input that permits selection of the icons (column 7 lines 1-15), displaying an icon associated with matching user specified context (column 6 lines 55-67, column 7 lines 35-50), and specifying a second icon demonstrating closer proximity to the source than the first icon (column 8 lines 7-46). Nykanen does not specifically show that the way to display or distinguish the icon is by enlarging it, but does mention efficiently notifying a change to the user. Furthermore, Pivowar et al show efficiently notifying change to a user in a mobile terminal, by enlarging the icon (column 3 lines 12-

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25, column 5 lines 20-40). It would have been obvious to a person with ordinary skill in the art to have the enlarging in Nykanen, because it would be an efficient way to notify change to a user. Neither Nykanen nor Pivowar et al specifically show how the second icon is displayed in a different 'region' per se on the display device than the first icon, but Nykanen does mention distinguishing interface elements of different functionalities on the interface. Furthermore, Boehne et al do show displaying two icons of different functionalities in a different region of the display device than each other (Figures 2, 6, 8, column 1 lines 45-60, column 3 lines 35-60, column 5 lines 25-60) to distinguish interface elements of different functionalities on the interface. It would have been obvious to a person with ordinary skill in the art to have the second icon in a different region of the display than the first icon in the display of Nykanen, especially as modified by Pivowar et al, because it would provide a convenient way to distinguish interface elements with different functionalities.

6. Regarding claim 26, the icon is extracted from the message (Nykanen column 7 lines 30-51).

7. Claims 30 shows the same features as claim 25 and is rejected for the same reasons.

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8. Regarding claim 31, the icons may be enlarged from among the group (Pivowar et al column 3 lines 12-30). This is part of the feature, whose obviousness to combine is explained above.

9. Regarding claim 32, neither Nykanen nor Pivowar et al specifically show that the icons may be displayed in an order also determined by times associated with corresponding messages, but Nykanen does mention ordering the proximity of the message sources by a common feature. Furthermore, Boehne et al do order test message sources by time as well as other common features (column 3 lines 30-60, column 4 lines 15-45, column 6 lines 15-45). It would have been obvious to a person with ordinary skill in the art to order icons based also on times associated with corresponding messages in Nykanen, especially as modified by Pivowar et al, because it would provide a convenient feature with which to order the message sources.

10. Claims 1-24, 27-29, 33-44 are allowable over the prior art of record. These claims bring out the separate proximity and priority sections separately located on the display, with each section having multiple icons and each section thus having an enlarged icon representing the closest proximity and best match respectively.

11. Applicant's arguments with respect to claims 25-26 and 30-32 have been considered but are moot in view of the new ground(s) of rejection. However, in view of

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applicants' comments and amendment, the double patenting rejection has been removed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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STEVEN SAX  
PRIMARY EXAMINER